



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CONCURRING OPINION OF VICE CHAIRMAN DAVID M. MASON  
IN ADVISORY OPINION 2006-20**

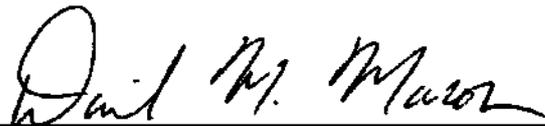
In this advisory opinion, the Commission correctly concludes that Unity 08 will make expenditures such that it must register as a political committee<sup>1</sup> under the Federal Election Campaign Act ("FECA"), 2 U.S.C. § 431 *et seq.*<sup>2</sup> In so holding, the Commission notes that its

conclusion is restricted to the facts presented here: Unity 08 intends to support only two candidates, one for the office of President of the United States and one for the office of Vice President; it does not intend to support or oppose candidates for Congress or State and local elections at any time; and it is not looking to build a new and permanent party.

Advisory Op. 2006-20 at 4 n.5 (*Unity 08*), 2006 WL 2987615 (F.E.C. Oct. 10, 2006) (internal quotation marks omitted).<sup>3</sup>

I write separately to emphasize that Unity 08 stipulated it would participate in only one election and in only one race in that election. *See id.* at 1-2. In this context, ballot-access efforts are expenditures<sup>4</sup> under FECA. However, if an organization sought to support another candidate or other candidates in the same election, or in another election or other elections, that would present a different question. *See id.* at 4 & n.5.

March 27, 2007

  
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David M. Mason  
Vice Chairman

<sup>1</sup> Defined in 2 U.S.C. § 431(4) (2002).

<sup>2</sup> Voting affirmatively were Chairman Toner, Vice Chairman Lenhard, and Commissioners Mason, Walther, and Weintraub. Commissioner von Spakovsky dissented.

<sup>3</sup> Available at <http://saos.nictusa.com/saos/searchao>.

<sup>4</sup> Defined in 2 U.S.C. § 431(9).